

Hon. Mr Gordon

BRUCE COUNTY EMPOWERING (COMMUNITY CENTRES)

[LOCAL]

ANALYSIS

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A BILL INTITULED

5 An Act to empower the Bruce County Council to establish and maintain community centres within the County of Bruce, to raise and expend loans for such purpose, and to
10 strike a rate or levy to cover the costs incidental to such establishment and maintenance and to strike a rate or levy to contribute towards the cost of establishing and maintaining community centres outside the County of Bruce from which residents of the County of Bruce are deriving benefit or are likely to derive benefit.

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WHEREAS, to meet the desires and requirements of rate-payers and residents of the County of Bruce, it is, or will be, necessary to provide adequate social, cultural, recreational, and educational facilities for the residents of the County: And whereas it is expedient that the Bruce County Council should be empowered to take steps towards the provision and maintenance, particularly within the residential areas of the County, of such facilities as the Council may think necessary to that end: And whereas some residents of the County of Bruce are likely to derive benefit from community centres established by adjoining local authorities at present and in the future; And whereas it is expedient that the Bruce County Council should be empowered to contribute towards the cost of establishing and maintaining such community centres: And whereas, under existing legislation, it is not possible for the Council to provide and maintain such facilities as aforesaid within the County of Bruce without disproportionate financial obligation being imposed on certain ratepayers, or to contribute towards the cost of establishing and maintaining such facilities established by adjoining local authorities from which residents of the County of Bruce are deriving or are likely to derive benefit, without disproportionate financial obligation being imposed on certain ratepayers:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Bruce County Empowering (Community Centres) Act 1970.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Community centre” means any facility or group of facilities for social, recreational, cultural, or educational purposes or for the physical or intellectual well-being and enjoyment of the residents of the County of Bruce or any group or section of them, whether alone or together with other persons:

“Council” means the Bruce County Council; and includes the body corporate known as the Chairman, Councillors, and Inhabitants of the County of Bruce:

“District” means a part of the County of Bruce declared by the Council pursuant to this Act to be a community centre district for the purposes of this Act:

5 “Dwelling unit” means any building or part of a building which is designed, built, rented, leased, let, or hired to be occupied, or which is occupied, as a residence for a single family (including one person, or two or more persons as an individual group) with or without a common right to the use of entrances, passages, stairways, or open spaces; and, where necessary, includes a combination of parts of a building or of two or more buildings or the parts thereof:

10 “Voluntary organisation” includes a voluntary organisation within the meaning of the Physical Welfare and Recreation Act 1937; and also means a body of persons whether incorporated or not, whose objects or one of whose principal objects is to promote, encourage, or control interest and participation in any branch of social, cultural, recreational, or educational activities.

3. Council may provide community centres within the County of Bruce and may contribute toward the establishment and maintenance of community centres outside County area—

20 (1) In addition to the powers conferred upon the Council by the Counties Act 1956 and by the Physical Welfare and Recreation Act 1937, the Council may make such provision for community centres within the County of Bruce as the Council may from time to time determine, and for that purpose may:

- 25 (a) Purchase, take on lease, or otherwise acquire any land of any estate; and
(b) Erect, purchase, hire, lease, or otherwise acquire or obtain the use of buildings; and
30 (c) Provide, install, and maintain equipment, apparatus, and facilities; and
(d) Maintain, operate, improve, enlarge, or develop any community centre or any such building, land, equipment, apparatus, or facilities.

35 (2) Where in the opinion of the Council, residents of the County of Bruce are using or deriving benefit from or are likely to derive benefit from a community centre either established or to be established outside the County of Bruce by an adjoining local authority then and in such case, and in addition to
40 the powers conferred upon it by the Counties Act 1956 and the Physical Welfare and Recreation Act 1937, the Council may make such contribution or contributions as it may from time to time determine towards the cost of any of the purposes as provided in paragraphs (a), (b), (c), and (d) of subsection

45 (1) of this section in respect of such community centres.

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4. Community centre districts—(1) The Council may, by special order made pursuant to section 87 of the Counties Act 1956, declare any part of the County of Bruce to be a district for the purposes of this Act.

(2) The special order shall state with reasonable particularity the boundaries of a district by reference to survey lines or descriptions, roads, or streets, or by such other method as the Council may deem adequate, and shall refer to a plan of the district, which shall be exhibited in the offices of the Council for the period between the special meeting called to pass the special order and the meeting called to confirm the same. A copy of the plan shall also be exhibited for the same period in an office or other suitable place situated in the proposed district and open to the public for a reasonable time on each day on which the offices of the Council are open to the public. 5
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(3) The Council may at any time and from time to time, by special order abolish any district so created, or extend, reduce, alter, amend, or modify the boundaries of any district, or amalgamate two or more districts, and the provisions of subsections (1) and (2) of this section shall apply with the necessary modifications. 20

5. Committees—(1) The Council may in its discretion place the control and management of any one or more community centres in a committee or committees. 25

(2) Any such committee shall be comprised of not less than two members of the Council, and if members other than Councillors shall also be appointed then their number shall not exceed twice the number of Councillors:

Provided that the Council may in its discretion in lieu of appointing a committee as above, appoint a County Town Committee to have control and management of a community centre in or adjacent to the County Town. 30

(3) The Council, and any committee with the approval of the Council, may form a district committee for each community centre for the purpose of assisting in an advisory and supervisory capacity in the conduct and administration of the community centre. Any such district committee shall have no power to bind the committee or the Council in respect of the control and administration of the community centre, but shall be subject in all things to the jurisdiction and discretion of the committee of the Council. 35
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(4) Members of a district committee, and members of committees other than Councillors, shall be residents of the community centre district in which the committee or district committee is involved, and any person including a member of the Council may be a member of a committee and of a district committee.

(5) Prior to appointing members other than Councillors to a committee, or forming a district committee, the Council or a committee may, but shall not be bound to, request nominations from a public meeting or from voluntary organisations within the district or by advertisement or otherwise, as the Council may direct, and shall not be bound to make appointments or form committees solely from any such nominations.

(6) The provisions of sections 71 to 75 of the Counties Act 1956 shall, with the necessary modifications, apply to any committee or district committee appointed or formed under this section.

(7) The foregoing provisions of this section shall apply only in respect of community centres established or to be established within the County of Bruce.

6. Management of community centres outside the County of Bruce—(1) It shall not be lawful for Council to contribute towards the establishment or maintenance of a community centre outside the County of Bruce in pursuance of the provisions of subsection (2) of section 3 of this Act unless the Council is represented by not less than one Council member or nominee on any body set up either by the relevant adjoining local authority or otherwise to control and manage that community centre.

(2) Any such nominee shall be a resident of the County of Bruce who uses or derives benefit from, or is likely to use or derive benefit from, the community centre.

7. General powers of Council in relation to community centres—(1) The powers conferred upon the Council by sections 12 and 13 of the Physical Welfare and Recreation Act 1937 shall extend to and include, and be deemed to extend to and include, the expenditure of money upon and the raising of loans for the construction, maintenance, repair, development, control, and administration of a community centre and the provision of facilities and equipment for the same.

(2) Section 319 of the Counties Act 1956 shall, with the necessary modifications, apply to a community centre established under this Act.

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(3) The provision of a community centre, including the acquisition of land of any estate for such purpose, shall be deemed a public work within the meaning of the Public Works Act 1928.

8. Finance—The Council may from time to time, out of its ordinary funds, make such contributions for the provision, conduct, or maintenance of community centres as it may think fit. 5

9. Annual fee payable by occupier—(1) For the purpose of providing the estimated amount of any loan charges and of any construction, maintenance, equipment, and administration costs of any community centre established under this Act or otherwise where, in the opinion of the Council, residents of the County of Bruce are deriving or are likely to derive benefit, the Council may, by special order, subject to the provisions of this section, make and levy a uniform annual fee to be paid by the occupier, as defined by the Counties Act 1956, of each dwelling unit situated within the district, but in no case shall the amount of the fee exceed in any year, the sum of \$5.20 in respect of any dwelling unit. 10 15 20

(2) The amount of such annual fee as aforesaid shall be recoverable as a debt due to the Council by the occupier.

(3) In the case of any dwelling unit owned by Her Majesty the Queen for the purposes of the Housing Act 1955 or for any other purpose, the State Advances Corporation of New Zealand or other Department of State administering the dwelling unit may, with the approval of the Minister of Finance and without further authority than this section, out of money received by the said Corporation under subsection (1) of section 32 of the Housing Act 1955, or, as the case may require, out of the appropriate account, pay to the Council the amount of the annual fee in respect of that dwelling unit. 25 30

(4) In any such case as aforesaid the said Corporation or Department may, notwithstanding anything contained in the Tenancy Act 1955, from time to time, on giving not less than 14 days' notice in writing to the tenant, increase the rent payable in respect of the dwelling unit by an amount equal to the annual fee so payable, and on the expiry of the period of the notice the contract or agreement for the tenancy of the premises shall be deemed to be varied accordingly. 35 40

(5) The power conferred by this section to make and levy a uniform annual fee may be exercised by the Council upon a petition signed by a majority of the occupiers, as defined by the Counties Act 1956, of the dwelling units in the district in
5 which the annual fee is to be levied, or, in the discretion of the Council, may be exercised without any such petition:

Provided that, where the Council proposes to exercise that power without any petition, a poll of occupiers, as defined by the Counties Act 1956, of the dwelling units in the district
10 shall be taken on the proposal to make and levy the annual fee where—

(a) Not less than 5 percent of the said occupiers by writing under their hands delivered or sent by post to the Council and received at the offices of the Council not
15 later than the day before the date fixed for the confirmation of the resolution to make and levy the annual fee, demand that a poll of the aforesaid occupiers of the district be taken on the proposal; or

(b) The Council so resolves—
20 and the annual fee shall not be made and levied unless a majority of the valid votes recorded at the poll are in favour of the proposal. Every such poll shall be held and taken by the Council in the manner provided by the Local Elections and Polls Act 1966, and the provisions of that Act, shall, as far as
25 they are applicable, apply in respect of every such poll.

10. Annual charge on certain rateable property—Notwithstanding anything in section 9 of this Act, in any case where a uniform annual fee may be levied pursuant to that section to be paid by the occupier, as defined by the Counties Act 1956,
30 of any dwelling unit erected on land which is rateable property, the Council may, instead of levying that uniform annual fee, levy upon such rateable property an annual charge which shall consist of a uniform annual charge in respect of each dwelling unit situated on that rateable property, and
35 which shall for all purposes be deemed to be a separate rate:

Provided that nothing in this section shall permit in any year of the uniform annual charge assessed in respect of each dwelling unit situated on any rateable property exceeding the uniform annual fee which is or may be levied in that year on
40 any dwelling unit pursuant to the said section 9.

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11. Bylaws—In addition to the powers conferred upon the Council by section 401 of the Counties Act 1956, the Council may make such bylaws as it thinks fit for all or any of the following purposes in respect of a community centre:

- (a) Regulating any of the subject-matters of this Act: 5
- (b) Protecting from damage, injury, or misappropriation any property, whether real or personal, belonging to the Council or any voluntary organisation participating in the conduct of a community centre:
- (c) Regulating the use of community centres and the 10 charges to be made in respect thereof:
- (d) The more effectual carrying out of the objects of this Act.

12. Community centre district deemed to be a defined part of the county—A district shall, for the purposes of the Local 15 Authorities Act 1956, be deemed to be a defined part of the County of Bruce.